

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**AMERICAN AIRLINES, INC. and
AADVANTAGE LOYALTY IP LTD.,**

Plaintiffs,

v.

**RED VENTURES, LLC and THE
POINTS GUY, LLC,**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:22-cv-00044-P

**NOTICE OF NON-OPPOSITION TO
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

COMES NOW Defendants Red Ventures LLC and The Points Guy LLC (“Defendants”) and respectfully files this Notice of Non-Opposition to Plaintiffs American Airlines, Inc.’s and AAdvantage Loyalty IP Ltd.’s (“Plaintiffs”) Motion for Leave to File an Amended Complaint (ECF No. 34), and would respectfully show the Court as follows:

I.

Defendants intended to oppose Plaintiffs’ Motion for Leave. However, given the Fifth Circuit’s interpretation of Rule 15(a) tending to favor granting leave to amend,¹ Defendants notify the Court of their non-opposition to Plaintiffs’ Motion for Leave to plead its new unfair competition claim.

Defendants’ non-opposition to Plaintiffs’ Motion for Leave is not a waiver of any rights to challenge the merits of any additional claims asserted by Plaintiffs, and Defendants expressly

¹ *E.g., Smith v. EMC Corp.*, 393 F.3d 590, 595 (5th Cir. 2004).

reserve the right to challenge the merits of all such claims asserted in Plaintiffs' Amended Complaint (should leave be granted) in, *inter alia*, a motion for summary judgment.

Dated: September 2, 2022.

Respectfully submitted,

BECK REDDEN LLP

/s/ David J. Beck

David J. Beck (State Bar No. 00000070)
Alex B. Roberts (State Bar No. 24056216)
Jake McClellan (State Bar No. 24109525)
Lena Silva (State Bar No. 24104993)
1221 McKinney Street, Suite 4500
Houston, Texas
Telephone: (713) 951-3700
Facsimile: (713) 951-3720
dbeck@beckredden.com
aroberts@beckredden.com
jmcclellan@beckredden.com
lsilva@beckredden.com

- and -

WICK PHILLIPS GOULD & MARTIN, LLP

David J. Drez III (State Bar No. 24007127)
Colin P. Benton (State Bar No. 24095523)
100 Throckmorton Street, Suite 1500
Fort Worth, Texas 76102
Telephone: (817) 332-7788
Facsimile: (817) 332-7789
david.drez@wickphillips.com
colin.benton@wickphillips.com

***ATTORNEYS FOR DEFENDANTS
RED VENTURES, LLC AND
THE POINTS GUY, LLC***

CERTIFICATE OF SERVICE

On September 2, 2022, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Alex Roberts

Alex Roberts